

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

SHONEA WILLIAMS,)
)
Plaintiff,)
)
v.)
)
WAL-MART STORES EAST, LP and/or) Civil Action
A.B.C. that individual partnership, foreign) File No. _____
profit corporation and/or non-profit)
corporation, company and/or limited)
liability company doing business as the)
same located at 260 Bobby Jones)
Expressway, Augusta, GA, on May 14,)
2016 when Plaintiff slipped and fell on the)
premises,)
)
First Defendant)
)
And)
)
A.B.C. that individual partnership, foreign)
profit corporation and/or non-profit)
corporation, company and/or limited)
liability company acting as the manager of)
Wal-Mart Stores East, LP at 260 Bobby)
Jones Expressway, Augusta, GA, on May)
14, 2016 when Plaintiff slipped and fell on)
the premises,)
)
Second Defendant.)

**DEFENDANT'S NOTICE
OF REMOVAL**

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 USC §1446, Defendant Wal-Mart Stores East, LP files this Notice of Removal in the United States District Court for the Southern District of Georgia, Augusta Division, and evokes this Court's jurisdiction over the above-styled civil action on the following grounds:

1. This personal injury action was commenced on March 29, 2018, by the filing of the original Summons and Complaint in the Superior Court of Columbia County, Georgia, as styled above. Attached hereto as a composite Exhibit A are copies of all pleadings served upon Defendant for the above-styled case, as well as a copy of the Notice of Filing Removal, filed in the State Court of Columbia County, Georgia. Upon information and belief, the composite Exhibit A attached includes copies of all pleadings filed or served to date in the Superior Court of Columbia County, Georgia for the above-styled case.

2. This Notice of Removal is timely as it is filed within 30 days of Defendant Wal-Mart Stores East, L.P.'s receipt of copies of Plaintiff's pleadings setting forth her claim for relief (See Exhibit D, Service of Process Transmittal). See 28 USC §1446(b).

3. Pursuant to 28 USC §1332, the United States District Court "shall have original jurisdiction of all civil actions where the matter in controversy

exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.”

Diversity of Citizenship

4. Defendant Wal-Mart Stores East, L.P is a limited partnership existing under the laws of the State of Delaware and authorized to transact business in the State of Georgia. (See Exhibit B, Corporate Documents).

5. On May 14, 2016, Wal-Mart Stores East, L.P. did business as Walmart and managed the Walmart store located at 260 Bobby Jones Expressway, in Augusta, GA.

6. As shown by Exhibit B, Walmart Stores East, LP is a Delaware limited partnership. WSE Management, LLC is the general partner of Walmart Stores East, and WSE Investment, LLC is the sole limited partner of Walmart Stores East, LP. WSE Management, LLC is a Delaware limited liability company. The sole member of WSE Management, LLC is Walmart Stores East, LLC, an Arkansas limited liability company. Walmart Stores East, LLC’s parent company and sole member, is Walmart Stores, Inc., an Arkansas corporation. WSE Investment, LLC is a Delaware limited liability company whose sole member is Walmart Stores East, LLC, an Arkansas limited liability company. Walmart Stores East, LLC’s parent company, and sole member, is Walmart Stores, Inc., an

Arkansas corporation. Wal-Mart Stores East, L.P., WSE Management, LLC, WSE Investment, LLC, Walmart Stores East, LLC, and Wal-Mart Stores, Inc. are not citizens of the State of Georgia, their partners and members are not citizens of the State of Georgia, and were not at the time of the filing and service of said lawsuit, or at any other relevant time.

7. Plaintiff resides at 2011 Reserve Lane, Augusta, Georgia 30906 and is a citizen of the State of Georgia. (See Exhibit C, Customer Incident Report, Witness Statement and Medical Invoice).

Amount in Controversy

8. Plaintiff's Complaint alleges causes of action based on an incident on May 14, 2016, when she slipped on a liquid substance in the Wal-Mart Store located at 260 Bobby Jones Expressway, Augusta, Georgia, that allegedly resulted in significant injuries. (See Exhibit A, Plaintiff's Complaint ¶¶ 2 and 4).

9. In her Complaint, Plaintiff seeks recovery of her medical expenses and mileage expense that she identified as totaling \$14,805.96, and also seeks to recover unidentified future medical expenses, past and future general damages and general damages for pain and suffering. (Plaintiff's Complaint, Prayer for Relief).

10. After suit was filed, Defendant proposed a stipulation limiting the damages to \$75,000 in order to keep the case in state court. Plaintiff's counsel

stated he could not accept the proposed stipulation, and stated to counsel that Plaintiff's medical expenses now exceeded \$48,000. (See Exhibit E, attached hereto).

11. Based on the foregoing, the amount in controversy, exclusive of interest and costs, is open-ended and exceeds the sum of \$75,000.

12. This Court has jurisdiction over this matter pursuant to 28 USC §1332(a) because complete diversity exists between the parties and the amount in controversy is open-ended and exceeds \$75,000.

13. Pursuant to 28 U.S.C. § 1447 Defendant is not required to file a removal bond.

14. By service of a copy of this Notice of Removal as evidenced by the Certificate of Service attached, Defendant gives notice of such removal to Plaintiff as required by 28 U.S.C. § 1446.

15. Defendant's Answer and Defenses was timely filed with the Superior Court of Columbia County on May 2, 2018. (See Exhibit A, attached hereto)

16. A true and correct copy of this Notice of Removal will be filed with the Superior Court of Columbia County, Georgia as required by 28 U.S.C. §1446.

WHEREFORE, Defendant prays that this Court recognize and exercise jurisdiction over this claim from the Superior Court of Columbia County, Georgia,

and that this action proceed as removed under this Court's jurisdiction pursuant to 28 USC §1332.

Respectfully submitted, this 9th day of May, 2018.

DREW, ECKL & FARNHAM, LLP

/s/ Michael L. Miller

Michael L. Miller
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Attorneys for Defendant Walmart

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CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the within and foregoing *Defendant's Notice Of Removal* on counsel of record via United States Mail, postage prepaid, by US mail and via the CM/ECF system, addressed to counsel of record as follows:

Victor C. Hawk
The Hawk Law Group
336 Telfair Street
Augusta, Georgia 30901
vhawk@hawklawgroup.com

This 9th day of May, 2018.

DREW, ECKL & FARNHAM, LLP

/s/ Michael L. Miller
Michael L. Miller
Georgia Bar No. 508011
Attorneys for Defendant Walmart

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